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Administration of justice at the United Nations

Administration of justice at the United Nations and activities of the Office of the United Nations Ombudsman and Mediation Services

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on the administration of justice at the United Nations (A/67/265 and Corr.1), the activities of the Office of the United Nations Ombudsman and Mediation Services (A/67/172) and the report of the Secretary-General on the proposed amendments to the rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal (A/67/349). The Advisory Committee also had before it the report of the Internal Justice Council on the implementation of the system of administration of justice (A/67/98). During its consideration of the reports, the Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. The Advisory Committee notes that the Sixth Committee has considered the legal aspects of the reports pursuant to paragraph 48 of General Assembly resolution 66/237. The Chair of the Sixth Committee transmitted the views of the Committee to the President of the General Assembly in a letter dated 19 October 2012 and asked that it be brought to the attention of the Chair of the Fifth Committee and circulated as a document of the General Assembly.

3. The present report contains observations and recommendations of the Advisory Committee on the above-mentioned reports. In section II, the Committee provides general views on the administration of justice at the United Nations and, in particular, comments on the formal system of justice and related requests for

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resources. It also addresses the Secretary-General's responses to several different requests contained in General Assembly resolution 66/237. Section III contains the Committee's observations and recommendations on the activities of the Office of the United Nations Ombudsman and Mediation Services for the period from 1 January to 31 December 2011.

II. Administration of justice at the United Nations

4. The report of the Secretary-General on the administration of justice at the United Nations outlines the activities of the system during the calendar year ending 31 December 2011, as requested, and responds to the specific requests of the General Assembly in resolution 66/237 for consideration at the sixty-seventh session. With regard to caseload statistics, the Committee notes that they reflect continued growth across most elements of the system of administration of justice in 2011. For example, the Management Evaluation Unit received 952 requests for review in 2011, reflecting a 123 per cent increase over 2010 (A/67/265 and Corr.1, para. 17). For the same period, the United Nations Dispute Tribunal received 282 new cases, representing a 74 per cent increase over 2010 (ibid., para. 23). Statistics for 2012 thus far, provided to the Committee upon request, appear to show some stabilization of the caseload for the Unit and the Dispute Tribunal for the current year. The Office of Staff Legal Assistance received 702 new cases, or 23 per cent more than in 2010 (ibid., paras. 65 and 68 and table 1). In contrast, the number of new appeals received by the United Nations Appeals Tribunal in 2011 appears to have been more constant (see para. 26 below). With regard to the informal system, the Committee notes an increase of 28 per cent in the number of cases considered by the Office of the United Nations Ombudsman and Mediation Services in 2011 over the previous year (A/67/172, para. 16).

5. Table 1 shows that in 2011, the offices and entities within the system had a growing caseload, with the exception of the Appeals Tribunal.

Table 1
Cases disposed of and cases received in 2011

Entity	*Disposition of cases and requests*	*Cases received*	*Reference in document A/67/265 and Corr.1*
Management Evaluation Unit	578	952	Paragraph 12
Office of Staff Legal Assistance	526	702	Paragraph 65
Dispute Tribunal	272	282	Paragraph 23
Appeals Tribunal	102	96	Paragraph 47

6. At its sixty-sixth session, on the basis of the requests of the Secretary-General and the recommendations of the Advisory Committee, the General Assembly, in its resolution 66/237, decided to strengthen certain areas to address the different resource requirements of the system. Upon request, the Committee was informed that the resources dedicated to the system of administration of justice for the biennium 2012-2013 now totalled approximately $38.7 million, including resources allocated to the informal system and to the Management Evaluation Unit (see also para. 54 below). The breakdown is provided in table 2 below.

Table 2
Amount appropriated for the administration of justice in the biennium 2012-2013
(Millions of United States dollars)

Entity/office	*Regular budget, 2012-2013*	*Support account for peacekeeping operations, 2012/13*	*Biennial costing adjustment*	*Total*
Office of Administration of Justice	13 817.6	–		13 817.6
Office of the United Nations Ombudsman and Mediation Services	6 672.8	1 706.0	1 706.0	10 084.8
Office of Staff Legal Assistance	2 508.1	76.0	76.0	2 660.1
Management Evaluation Unit	2 005.1	–		2 005.1
Office of Human Resources Management[a]	2 774.8	1 446.0	1 446.0	5 666.8
Office of Legal Affairs[a]	2 406.8	294.0	294.0	2 994.8
Economic and Social Commission for Western Asia[a]	–	–	–	–
Economic and Social Commission for Asia and the Pacific[a]	325.9	–	–	325.9
Economic Commission for Africa[a]	–	–	–	–
United Nations Office at Geneva[a]	672.9	–	–	672.9
United Nations Office at Nairobi[a]	425.1	–	–	425.1
Total	**31 609.1**	**3 522.0**	**3 522.0**	**38 653.1**

[a] The costs presented are estimated on the basis of the number and level of staff assigned to the administration of justice in the respective offices.

General observations and recommendations

7. The Advisory Committee recalls that the General Assembly, at its sixty-sixth session, reaffirmed its prior decision, contained in paragraph 4 of its resolution 61/261, to establish a new, independent, transparent, professionalized, adequately resourced and decentralized system of justice consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff alike (see resolution 66/237, para. 8). The Assembly also acknowledged the evolving nature of the new system of administration of justice and the need to carefully monitor its implementation to ensure that it remains within the parameters set out by the General Assembly (ibid., para. 5). In addition, it stressed the importance of developing a culture of dialogue and amicable resolution of disputes through the informal system (ibid., para. 17).

8. In the opening summary of his report (A/67/265 and Corr.1), the Secretary-General states that since establishing the system of administration of justice, which commenced its operations on 1 July 2009, the General Assembly has recognized the

achievement of the system, acknowledged its evolving nature and continued to monitor it to ensure that it continues to achieve its mandate. Upon enquiry, the Advisory Committee was informed that the average length of time it takes to dispose of a case in the current system following its receipt by the Dispute Tribunal is approximately 12 to 14 months. The Committee was also informed that cases proceeding through the previous justice system to the final instance took five years on average.

9. With respect to the overall effectiveness of the system, the Administration also provided the Advisory Committee with its views concerning aspects of the system that needed strengthening. It commented that sufficient judicial resources were needed to meet current caseload levels and to prevent a recurrence of a backlog, and that there should be incentives to encourage staff to consider carefully whether to file appeals of Dispute Tribunal judgements that are not in their favour. It also mentioned the lack of mechanisms to address complaints of judicial misconduct and the absence of a code of conduct for legal representation. The latter two lacunae have been noted by the Internal Justice Council, and the Secretary-General makes related proposals in his report (ibid., annexes VII and VIII); the Committee provides comments on these proposals in paragraphs 52 and 53 below. The Committee notes, however, that no independent assessment of the system of administration of justice in all its aspects has yet been undertaken, including an examination of caseload and jurisprudence trends, incentives for the early and informal resolution of disputes, opportunities for efficiencies, including better use of technology and staff resources, and whether the aims and objectives of the system, set out in resolution 61/261, are in fact being achieved.

10. In addition, in its final report, the first Internal Justice Council, whose members completed their terms on 30 June 2012, concludes that the system has progressed fairly well since its inception. The Council nevertheless remains convinced that resource constraints could pose a serious threat to the system and could lead to the delays that plagued the old system of justice (see A/67/98, para. 60).

11. **The Advisory Committee notes that, after three full years of operation, the system of administration of justice is no longer in the start-up phase. While acknowledging that the system is continuing to evolve, the Committee notes with concern the implications of a growing number of cases proceeding to formal adjudication. The system, in the Committee's view, requires stronger measures to encourage informal dispute resolution. Furthermore, the Committee stresses that reducing litigation also requires that the causes underlying the high level of recourse to the internal justice system be identified and addressed. Considering that a number of cases filed with the Tribunals relate to fundamental weaknesses in the handling and management of human resources-related matters, it is essential that good management practices be implemented throughout the Organization.**

12. **The Advisory Committee therefore recalls its prior recommendation that a comprehensive assessment be conducted on the evolution and functioning of the system of administration of justice (see A/66/7/Add.6, para. 6). While acknowledging that certain aspects of the system have yet to settle into place, the Committee is convinced that an interim independent assessment of all functioning aspects of the system is now required in order to take stock of the general direction of the system and to ensure that it is meeting the governing**

principles set out in paragraph 4 of its resolution 61/261. The outcome of this interim assessment could also inform future decisions regarding the alignment of resources among relevant offices or entities handling different aspects of the system of administration of justice.

13. The Advisory Committee notes that the most recent report of the Secretary-General on the administration of justice contains statistics covering the full calendar year in order to facilitate the analysis of trends and workload over time, as previously recommended by the Committee. Upon enquiry, the Committee was also provided with a useful description of the role of and differences among the different entities involved in the current system, as well as the related staffing components attached to each of them. That information is contained in annexes I and II to the present report. The organizational structure of the United Nations system of administration of justice is provided in annex III. **The Committee remains of the view that the presentation of such information would be improved through the greater use of tables and/or charts and requests that future reports provide statistical data in a more structured, descriptive and consistent form (see A/66/7/Add.6, para. 8).**

A. Review of the formal system of justice and related resource requests

1. Management Evaluation Unit

14. The activities of the Management Evaluation Unit, which is part of the Office of the Under-Secretary-General for Management, are outlined in paragraphs 6 to 17 of the report of the Secretary-General (A/67/265 and Corr.1). The Unit is responsible for carrying out a management evaluation of contested decisions. This mandatory first step gives the Administration an opportunity to confirm, correct or overturn decisions where deemed necessary and also provides an avenue to identify alternative solutions for the resolution of a dispute.

15. With regard to the workload and output of the Unit, the Secretary-General indicates that the Unit received 952 management evaluation requests in 2011, reflecting an increase of 123 per cent over the previous year. The Advisory Committee was provided, upon enquiry, with updated data for the period from 1 January to 3 October 2012, during which an additional 727 new requests were received. For 2012, the number of requests received by the Unit is therefore projected to be on the order of 1,000.

16. At the same time, the Secretary-General indicates that 33 per cent of requests received and closed by the Management Evaluation Unit in 2011 were settled through informal resolution (see A/67/265 and Corr.1, para. 7). A further 52 per cent of decisions that were upheld on recommendation of the Unit were not challenged by staff members before the Dispute Tribunal (ibid., para. 10). Moreover, in 87 per cent of those cases considered by the Dispute Tribunal following management evaluation, the Tribunal's disposition of the case was the same as that recommended by the Unit (ibid., para. 11).

17. **The Advisory Committee recalls its comments and observations on the effectiveness of the Management Evaluation Unit (see A/66/7/Add.6, para. 14)**

and reiterates the importance of efforts to facilitate the resolution of cases before they proceed to the Dispute Tribunal.

18. Of the caseload currently handled by the Management Evaluation Unit, the Secretary-General notes that approximately 30 per cent come from staff employed in peacekeeping missions, yet none of the Unit's staff are funded from the support account for peacekeeping operations (see the organization structure set out in annex III to the present report). With the steady increase in the number of requests for management evaluation and the mandated 45-day timeline required for the handling of such requests, the Secretary-General points to the risk of slippage, particularly for requests coming from staff in the field, with the associated workload requirements in handling cases of that nature (see A/67/265 and Corr.1, para. 16). **The Advisory Committee therefore has no objection to the Secretary-General's request for an additional Legal Officer position at the P-3 level for the Management Evaluation Unit, funded through the support account for the six-month period ending 30 June 2013, on the understanding that the is to be funded through general temporary assistance pending the outcome of the interim independent assessment mentioned above.**

2. United Nations Dispute Tribunal and its registries

19. Information on the composition and functioning of the Dispute Tribunal is provided in paragraphs 18 to 42 of the report of the Secretary-General (A/67/265 and Corr.1). With regard to its workload and output, the Secretary-General indicates that the Tribunal received 282 new cases in 2011, reflecting an increase of 74 per cent over the previous calendar year. The Advisory Committee was provided, upon enquiry, with updated data for the period from 1 January to 31 August 2012, during which an additional 193 cases were received. The total caseload for 2012 is expected to be similar to 2011 levels.

20. The Advisory Committee notes that the additional capacity provided by the three incumbent ad litem judges, whose terms of office were extended until 31 December 2012, and the work of the two half-time judges has allowed the Dispute Tribunal to make significant progress in addressing the backlog of cases inherited from the old system. Upon enquiry, the Committee was informed that the backlog carried over from the old system had virtually disappeared, with only 13 such cases remaining to date.

21. The Secretary-General highlights that the Dispute Tribunal continues to have a heavy volume of cases. During the reporting period, he notes that the Tribunal has been faced with an increased number of applications for suspension of action, which must be considered within the statutory five-day time frame. He stresses that the length of time needed to complete each case and issue judgements is increasing, primarily as a result of the additional number of cases filed. Consequently, the report of the Secretary-General signals the risk of a new backlog emerging, causing delays in the disposal of cases (ibid., para. 32). For these reasons, he recommends that the General Assembly extend the mandate of the three sitting ad litem judges of the Tribunal for one year, until 31 December 2013, and requests, under general temporary assistance, the continuation of three Legal Officer (P-3), two General Service (Other level) and one General Service (Local level) positions to support the ad litem judges for the same period. The request for additional resources is strongly supported by the Internal Justice Council in its report (see A/67/98, paras. 18-29).

22. The Advisory Committee notes that both the Secretary-General and the Internal Justice Council express their continued preference for two full-time judges to be deployed at each of the three duty stations where the Dispute Tribunal has a registry (see A/67/265 and Corr.1, para. 32, and A/67/98, para. 22). As a lower-cost alternative, the Council also continues to support a proposal to increase the budgetary provisions for the existing two part-time judges so as to extend their coverage and contribution (A/67/98, para. 24). The Committee has previously indicated that further consideration should be given to this proposal as an efficient and flexible alternative arrangement. The Secretary-General has not brought forward such a proposal, however, which would, if approved, require a related amendment to the statute of the Tribunal.

23. **In the absence of an initial independent assessment and a clear projection of the long-term caseload for the Dispute Tribunal, the Advisory Committee is not in a position to recommend either the creation of new full-time judge positions or the adaptation of the budgetary arrangements for the existing part-time judges. Recalling paragraph 20 of its previous report (A/66/7/Add.6), the Committee notes that such factors as a more settled jurisprudence may, in due course, reduce the workload of the Tribunal; however, it appears unlikely that any significant reduction will be seen in the near future. As such, the Committee supports the Secretary-General's request that the three ad litem judges be extended to 31 December 2013. The Committee also recommends the extension of the staffing complement in support of the ad litem judges, under general temporary assistance, of three P-3 Legal Officers, two General Service (Other level) and one General Service (Local level) positions for the same period.**

24. In paragraph 5 of his report proposing amendments to the rules of procedure of the two Tribunals (A/67/349), the Secretary-General proposes that the number of plenary meetings that the Dispute Tribunal normally holds be increased from one to two meetings per year. This will not entail a request for additional funding until the biennium 2014-2015 (ibid., para. 11 (b)).

25. The Advisory Committee notes that since the creation of the justice system in July 2009, the Dispute Tribunal has in fact averaged two plenary meetings per year. The Administration indicates that these meetings, which last a full week, allow the judges to meet in person and have in-depth discussions on various legal issues, decide on practice directions and consult with different stakeholders on matters affecting the justice system. It maintains that regular communication channels such as e-mail, telephone or videoconferencing are not sufficient for the effective completion of this type of work. It also indicates that time differences and the significant costs associated with videoconferencing limit the extent to which such work can be completed during the judges' regular biweekly meetings. **The Committee does not support the proposed amendment to the rules of procedure to institutionalize the holding of two plenary meetings per year, but rather recommends continuing the practice of holding them as needed, including the extension of such meetings on a case-by-case basis, taking into consideration the ongoing caseload demands. In this context, the Committee points out that one of the matters that currently affects the functioning of the system is the case backlog. The Committee stresses that priority should be given to finding ways of minimizing or eliminating the backlog.**

3. United Nations Appeals Tribunal and its registries

26. Information on the composition and functioning of the Appeals Tribunal is provided in paragraphs 43 to 54 of the report of the Secretary-General (A/67/265 and Corr.1). The Advisory Committee notes that in 2011, the Tribunal received 96 new appeals. This compares with the 110 cases received in the Tribunal's first year of operation (see A/66/7/Add.6, table 3). Upon request, the Committee was informed that for the period ending 30 September 2012, the Tribunal had received 98 new appeals and had 93 appeals pending on its docket.

27. The rules of procedure of the Appeals Tribunal provide that it shall normally hold two ordinary sessions per year, as determined by its caseload. In 2010 and 2011, the Tribunal held three annual sessions of two weeks each. At each session, the Tribunal rendered approximately 30 judgements. The report of the Secretary-General indicates that three sessions are also envisaged in 2012 so as to avoid the emergence of a backlog of cases on its docket. Upon enquiry, the Committee was informed that the judges of the Tribunal are of the view that the caseload was unlikely to diminish in the foreseeable future.

28. In his report proposing amendments to the rules of procedure of the two Tribunals, the Secretary-General proposes that the normal number of ordinary sessions held by the Appeals Tribunal for the purpose of hearing cases be increased from two to three per year (see A/67/349, para. 7). The Advisory Committee also notes that the existing provisions of the rules of procedure allow for the Tribunal to hold sessions in Geneva or Nairobi, as required by its caseload. Upon enquiry, the Committee was informed that resource constraints had thus far limited the number of sessions held outside Headquarters in view of the cost implications for the travel of registry staff who are based in New York. The Committee further notes that the proposal to alter the rules of procedure will not require additional funding until the biennium 2014-2015, given that resources for a third session have already been made available for the current biennium (ibid., para. 11 (b)).

29. **While acknowledging that the of the Appeals Tribunal's caseload to date would appear to justify three sessions per year, the Advisory Committee does not concur with the proposal to formalize this frequency of sessions by amending the rules of procedure until caseload trends have stabilized. The Committee also recalls its previous recommendation that efforts be made, as necessary, to meet additional non-post requirements through the reprioritization of resources and activities (see A/66/7/Add.6, para. 29). In this regard, the Tribunal could examine such alternatives as extending the duration of each session in order to enable a more efficient use of resources.**

4. Office of Staff Legal Assistance

30. Information on the functioning of the Office of Staff Legal Assistance is provided in paragraphs 55 to 75 of the report of the Secretary-General (A/67/265 and Corr.1). Caseload statistics broken down by types of assistance are contained in table 1 of that report, reflecting an increase of 23 per cent in cases received by the Office in 2011 over the previous year. Upon enquiry, the Advisory Committee was provided with updated statistics relating to the activities of the Office. From 1 January to 30 September 2012, the Office received 656 new cases, reflecting an approximate increase of 25 per cent over the prior year's workload for the comparable period in 2011.

31. In paragraph 28 of its resolution 66/237, the General Assembly requested the Secretary-General to submit a comprehensive report proposing different options for the representation of staff members before the internal Tribunals, including a detailed proposal for a mandatory staff-funded mechanism. The Advisory Committee, in its previous report on the administration of justice, provided extensive comments on the prior requests of the Office for additional posts and resources, noting that decisions on the staffing requirements must take into account the outcome of the General Assembly's deliberations on the mandate and scope of functions of the Office. Consequently, in the absence of decisions on the mandate and scope of functions of the Office as well as the proposed staff-funded mechanism to support the provision of legal assistance and support to staff, the Committee did not recommend the approval of any new posts for the Office (see A/66/7/Add.6, para. 39). The requested report for a mandatory staff-funded scheme has now been completed and is set out in annex II to the report of the Secretary-General (A/67/265 and Corr.1). The Committee provides comments on the proposals contained therein in paragraphs 38 to 44 below.

32. Notwithstanding the outcome of the General Assembly's deliberations on these matters, the Secretary-General requests that a P-3 position in Nairobi funded under the support account for peacekeeping operations be continued for an additional six months, to 30 June 2013, in view of the continued high caseload encountered in that location. The Advisory Committee confirmed, upon request, that the average caseload per officer for the Nairobi office was more than twice as high as the average for the New York office and over three times that for the Geneva office. This information is contained in annex IV to the present report. **The Committee therefore recommends the continuation of the Legal Officer position (P-3) in the Office of Staff Legal Assistance in Nairobi for an additional six-month period, to be funded from the budget for the support account for peacekeeping operations, and requests that the costs be reported in the context of the related performance report. The outcome of the General Assembly's review of the scope and mandate of the Office, including the proposal for the mandatory staff-funded scheme, along with the independent assessment of the system of administration of justice that is recommended in paragraph 12 above, should be taken into consideration in any decision to fund the position beyond 30 June 2013. Such a request should be submitted in the context of the next proposed budget for the support account for peacekeeping operations.**

B. Responses to requests from the General Assembly in resolution 66/237

1. Institutionalization of good management practices and recommendations on systemic and cross-cutting issues

33. In paragraph 11 of its resolution 66/237, the General Assembly requested the Secretary-General to make every effort to institutionalize good management practices in order to address the underlying factors that give rise to disputes in the workplace.

34. In this connection, the Advisory Committee wishes to highlight the views of the Secretary-General on the recommendations of the Office of the United Nations Ombudsman and Mediation Services on measures addressing systemic human

resources issues, contained in annex I to the report of the Secretary-General (A/67/265 and Corr.1). This information has been provided as a result of a request made by the Committee in its report on the consideration of systemic issues arising from the work of the Office (see A/66/7/Add.6, para. 102). The issues identified in annex I to the report of the Secretary-General cover a wide range of subjects, including mobility, performance management, consistency in the application of conditions of service, harassment, conduct of investigations and occupational health and safety. The Committee notes that the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services also highlights performance management as its single most important cross-cutting issue (see A/67/172, paras. 109-131). In this connection, the Committee refers to its comments on the forthcoming report of the Secretary-General on human resources management (A/67/545).

35. In addition, the report of the Secretary-General on the administration of justice includes data concerning the types of cases handled by the Dispute Tribunal (see A/67/265 and Corr.1, para. 30). The report indicates that of those cases, 40 per cent related to appointment, 25 per cent to separation of service, 11 per cent to disciplinary matters and 8 per cent to benefits and entitlements. The remaining cases related to classification and other matters. This breakdown is comparable to the statistics disclosed in the previous report of the Advisory Committee (A/66/7/Add.6, para. 17).

36. The Advisory Committee notes that the Management Evaluation Unit compiles a lessons-learned guide for managers and guidance notes that are circulated to all heads of offices and departments. They include a review of the jurisprudence of the Dispute and Appeals Tribunals and examine how the judgements interpret and apply the internal laws of the Organization. The Secretary-General stresses the need to address the underlying factors that give rise to disputes in the workplace; in particular, a lack of timely and open dialogue on performance issues and a lack of full understanding by managers on the Organization's internal laws and procedures. **The Committee welcomes the issuance and dissemination of lessons learned guides arising from the judgements of the Tribunals. The Committee also encourages the Secretary-General to redouble his efforts to strengthen good management practices in order to address the underlying factors that give rise to disputes in the workplace.**

2. Accountability in cases where contested decisions have resulted in awards of compensation to staff

37. In paragraph 41 of its resolution 66/237, the General Assembly requested the Secretary-General to submit information on the concrete measures taken to enforce accountability in cases where contested decisions have resulted in awards of compensation to staff. The Advisory Committee notes that while the report of the Secretary-General outlines options for realizing managerial accountability (see A/67/265 and Corr.1, para. 156), there are no specific data on action taken where contested decisions have resulted in awards of compensation to staff. In this connection, the report of the Secretary-General indicates that in 2011 a total of $1,231,719 was paid out in compensation on the basis of judgements of the Tribunals (ibid., annex IX.B). The Committee also notes that the Appeals Tribunal reduced or vacated the Dispute Tribunal awards amounting to over $1.5 million for the same period (see A/67/265, para. 149). **The Committee regrets that the**

Secretary-General has not provided concrete data on the imposition of concrete measures taken to enforce accountability in cases where contested decisions have resulted in awards of compensation to staff and requests the Secretary-General to provide more detailed information in this regard in his next report on the administration of justice. Recalling paragraph 89 of its previous report (A/66/7/Add.6), the Committee also wishes to stress its view that individuals should be held accountable where violations of the Organization's rules and procedures have led to financial loss.

3. More coherent representation and efficient use of resources

38. In paragraph 23 of its resolution 66/237, the General Assembly requested that the Secretary-General explore all possible ways to bring about more coherent representation and efficient use of resources, taking into account the specificities of representation of the Secretary-General at the Tribunals. In its report of the prior period under review, the Advisory Committee expressed the view that the Secretary-General could consider having one office responsible for representation at both Tribunals (see A/66/7/Add.6, para. 7). In his report, the Secretary-General indicates that the focus of proceedings in the administration of justice differs between the Dispute and the Appeals Tribunals. The defence before the Dispute Tribunal places an emphasis on establishing the facts of the case, while the defence before the Appeals Tribunal focuses on matters of law. The existing division of labour in the representation of the Organization corresponds to these differing demands in the view of the Secretary-General (see A/67/265 and Corr.1, para. 172). He does not believe, furthermore, that a restructuring of the current structure and consolidation of representational responsibilities would provide operational advantages or cost savings. **As such, the Committee notes the views of the Secretary-General; however, it requests that he keep the matter under review and propose alternative efficiency measures as caseload trends from the two Tribunals become more discernable.**

4. Options for the representation of staff members, including a mandatory staff-funded mechanism to support the Office of Staff Legal Assistance

39. In paragraph 28 of its resolution 66/237, the General Assembly requested the Secretary-General to submit, after consultation with the Internal Justice Council and other relevant bodies, a comprehensive report proposing different options for the representation of staff members before the internal Tribunals, including a detailed proposal for a mandatory staff-funded mechanism for consideration by both the Fifth and Sixth Committees, in their respective capacities, at the sixty-seventh session of the General Assembly. The response to this request is contained in paragraphs 8 to 33 of annex II to the report of the Secretary-General (A/67/265 and Corr.1), which set out four options for representing staff members before the tribunals, namely: (a) representation by the Office of Staff Legal Assistance; (b) representation by external counsel, either paid or pro bono; (c) representation by former or current staff; and (d) self-representation. In addition, the annex contains an analysis for each of the three options for a mandatory staff-funded scheme for the Office, namely: (a) a universal mandatory model; (b) a user-pays model; and (c) a mandatory staff union/association-funded model (ibid., paras. 34-58).

40. The Advisory Committee notes that the different options have been circulated for consultation to representatives of the funds and programmes and to staff

representatives at the Staff-Management Committee meeting held in June 2012. The Committee also notes, however, that it was not possible to consult with the Internal Justice Council, since the new members were not in place at the time the report of the Secretary-General was finalized (ibid., para. 3). Furthermore, the Committee notes that while the Secretary-General sets out his views on the advantages and disadvantages of each option, he does not recommend a particular option in his report. Instead, the Secretary-General recommends that the General Assembly takes note of the various options and consider the question of whether a mandatory staff-funded scheme for the Office is consistent with the Charter of the United Nations and, in particular, with Article 17, paragraph 2, thereof (ibid., paras. 59 and 60).

41. The Advisory Committee recalls its previous concern at the position presented by the Secretary-General with regard to legal issues in respect of mandatory options for a staff-funded mechanism to support the Office of Staff Legal Assistance (see A/66/7/Add.6, para. 70). The Committee further notes that the General Assembly, at its sixty-sixth session, decided that the role of the Office would continue to be one of assisting staff in processing claims through the formal justice system, including through the provision of representation, pending further consideration of the issue at its sixty-seventh session (see resolution 66/237, para. 27). The Secretary-General continues to maintain that since the mandate of the Office emanates from the General Assembly, its costs are to be funded by the Organization (see A/67/265 and Corr.1, annex II, para. 14).

42. Upon enquiry, the Advisory Committee was provided with additional information concerning the relevant provision of the Charter. The Administration informed the Committee that it is ultimately for the General Assembly to decide whether expenditures incurred pursuant to this specific mandate constitute "expenses of the Organization" within the meaning of Article 17, paragraph 2. The Committee was also informed that under all options for a mandatory staff-funded model, the Secretary-General's starting assumption is that the Organization would continue to fund the Office of Staff Legal Assistance at the current level. **While noting this assumption, but also recalling its previous reservations with respect to the mandate of the Office (see A/66/7/Add.6, para. 38), the Committee is of the view that it is ultimately for the Assembly to decide whether the expenditures of the Office constitute expenses of the Organization. The Committee notes the intention of the Assembly to take up the matter of the mandate, scope and functioning of the Office at its current session (see resolution 66/237, para. 28).**

43. With respect to the different options set out by the Secretary-General for a staff-funded option, the Advisory Committee notes that staff representatives, at the meeting of the Staff-Management Committee held in June 2012, were uniformly opposed in principle to any mandatory option or proposal (see A/67/265 and Corr.1, annex II, para. 36). Representatives of the Secretary-General also informed the Committee that the United Nations Staff Union was exploring the possibility of working with a commercial insurer to provide coverage to its dues-paying members in cases where the Office of Staff Legal Assistance declines to represent them. The Committee was also informed, upon request, that if the representation function of the Office were to be funded by staff on a mandatory basis, a deduction of approximately 0.0413 per cent from a staff member's net base salary would be required (based on the 2012-2013 appropriation for the Office).

44. Given the importance of the adequacy and professionalism of legal representation for cases brought by the staff against the Administration and the minimal cost implications that a mandatory funding mechanism would impose on individual staff members, the Advisory Committee recommends that the Secretary-General urge staff to consider again the different options for establishing this mechanism. Consideration should also be given to the feasibility of the option involving external insurance providers. The Committee also recalls its previous position that such a contribution from staff towards the provision of legal assistance and support to staff constitutes an integral element in the system of administration of justice (see A/66/7/Add.6, para. 37). The Committee is moreover concerned that the Secretary-General has not expressed a clear view on the most viable option for such a mechanism. The Committee recommends therefore, that the Secretary-General propose a single preferred proposal, reflecting further consultation with the Internal Justice Council and other relevant bodies, at its sixty-eighth session. It reiterates its position that pending decisions on a staff-funded mechanism and on the mandate and scope of the Office of Staff Legal Assistance, the Committee does not recommend the establishment of new posts for the Office.

5. Practice of tribunals in other organizations and in Member States regarding the awarding of exemplary or punitive damages

45. In paragraph 34 of its resolution 66/237, the General Assembly requested the Secretary-General to report on the practice of Member States and tribunals in other international organizations comparable to the Dispute and Appeals Tribunals regarding the awarding of exemplary or punitive damages, including their practice with regard to awards for moral damages, emotional distress, procedural irregularities and violations of due process.

46. Pursuant to that request, the Secretariat sought information from all Member States and from registries and secretariats of comparable international administrative tribunals in respect of their practice. At the time of the preparation of his report, the Secretary-General had received responses from only seven Member States and seven international administrative tribunals, which are contained in annex III to the report (A/67/265 and Corr.1). The Secretary-General is of the view that, given the relatively narrow range of feedback provided to date, it would be useful to await the receipt of further information from Member States on this matter. **The Advisory Committee notes the low number of responses disclosed in the report of the Secretary-General and concurs with his recommendation that the General Assembly request further reporting on this issue to be submitted for consideration at its sixty-eighth session.**

6. Expedited arbitration procedures for consultants and individual contractors

47. In paragraph 38 of its resolution 66/237, the General Assembly requested the Secretary-General to submit a report providing: (a) a proposal for implementing the proposed mechanism for expedited arbitration procedures for individual contractors and consultants provided in annex II to his 2011 report on the administration of justice, including the cost implications for various aspects of the proposal; and (b) an analysis of the policy and financial implications in the event that individual contractors and consultants covered by the proposed expedited arbitration procedures were to be permitted access to mediation under the informal system. The

proposed mechanism for expedited arbitration procedures for individual contractors and consultants is set out in annex IV to the report of the Secretary-General (A/67/265 and Corr.1) and the policy and financial implications of permitting such individuals access to mediation under the informal system are provided in annex V.

48. In its preliminary review of this proposal in 2011, the Advisory Committee did not raise any objection to the proposal for expedited arbitration procedures for consultants and individual contractors, given that it would not entail an expansion of the formal system of administration of justice (see A/66/7/Add.6, para. 76). However, following a review of the relevant annexes of the report of the Secretary-General, the Committee notes that several of the funds and programmes have reserved the right to opt out of the proposed expedited arbitration procedures, signalling possible reservations concerning the substance of the proposal and/or the operational implications. Moreover, the Committee notes that estimated costs for the expedited procedures are considerable. Hiring the neutral entity and arbitrators foreseen under the proposed expedited rules would entail costs of between $1,431,150 and $1,626,150, assuming a projected caseload of about 300 cases per year (or 0.5 per cent of the approximate total number of consultants/individual contractors engaged by the United Nations and its funds and programmes) (see A/67/265 and Corr.1, annex IV, para. 44). Upon request, the Committee was informed that the Office of Legal Affairs would need an additional 27 Legal Officers at the P-4 level, assuming that each officer would spend an approximate average of 24 working days on each case, thereby handling approximately 11 arbitration cases a year. In addition, the projected cost for allowing individual contractors and consultants access to mediation under the informal system is $742,900 for the biennium 2012-2013, rising to $2,105,800 in 2014-2015 (ibid., annex V, para. 10 (d) and (e)). The translation of documents would incur additional costs. **In the light of possible cost and operational implications, the Committee recommends that a more comprehensive cost-benefit analysis be completed to determine the viability of the proposed expedited arbitration procedures for consultants and individual contractors as well as of permitting them access to mediation under the informal system.**

7. Access to the system of administration of justice for non-staff personnel

49. Responding to the request of the General Assembly in paragraph 39 of its resolution 66/237 for proposals for recourse mechanisms for additional categories of non-staff personnel (excluding consultants and individual contractors), the Secretary-General outlines the measures available to them for addressing disputes in annex VI to the report (A/67/265 and Corr.1). The non-staff categories include United Nations Volunteers, experts on mission, daily paid workers and interns. The Advisory Committee notes a variety of existing practices and recourse mechanisms depending on the category. For example, the approximately 7,500 United Nations Volunteers on assignment may appeal an administrative decision to the United Nations Volunteers Executive Coordinator and subsequently to the Administrator of the United Nations Development Programme (UNDP) (ibid., annex VI, para. 5). They may also bring a dispute to arbitration under United Nations Commission on International Trade Law Arbitration Rules. On the other hand, experts on mission not serving under a contract as a consultant or individual contractor, who are estimated to number approximately 17,000 (ibid., para. 14), do not have access to the Organization's formal or informal system of justice. According to the

Administration, these individuals can address disputes that may arise through direct negotiations with the Organization. By contrast, interns serving with the Organization may request management evaluation of contested administrative decisions; however they do not have access to the Dispute Tribunal or the Appeals Tribunal (ibid., para. 19).

50. **The Advisory Committee has repeatedly expressed concerns about an expansion of the scope of the internal justice system, not only because of the resource implications that such an expansion would entail, but also owing to the increased complexity it would create for the judges and legal staff as a result of adding cases covered by a different body of law (see A/66/7/Add.6, para. 76). The Committee continues to hold that view.**

8. Status of cost-sharing agreements

51. In paragraph 43 of its resolution 66/237, the General Assembly requested the Secretary-General to make every effort to expedite the finalization of an agreement on a cost-sharing arrangement for the totality of the internal justice system, including on the expected reimbursement of approximately $6.8 million from the participating United Nations entities. The Secretary-General indicates that the parties have made major progress in coming to an agreement. The related memorandum of understanding is due to be finalized once the terms of agreement for the integrated Office of the United Nations Ombudsman and Mediation Services are promulgated (see A/67/265 and Corr.1, para. 188). The United Nations has already been reimbursed a total of $2,358,348 by some of the entities for the costs incurred for the biennium 2010-2011 (ibid., para. 189). **The Advisory Committee welcomes the progress made in finalizing the cost-sharing arrangements between the United Nations and the participating entities. The Committee therefore requests the Secretary-General to expedite the finalization of the related memorandum of understanding as soon as the terms of reference for the Office of the Ombudsman are promulgated and to collect the outstanding monies without further delay.**

9. Proposals for a mechanism addressing possible judicial misconduct

52. The General Assembly, in paragraph 44 of resolution 66/237, requested the Secretary-General to submit a report providing proposals for and analysis of a mechanism for addressing the misconduct of judges. The Secretary-General sets out his analysis and proposals in annex VII to his report (A/67/265 and Corr.1). The Advisory Committee notes that the Assembly, the Secretary-General and the Internal Justice Council has each put forward proposals for addressing complaints of judicial misconduct. The Committee notes that the proposals of the Secretary-General and the Internal Justice Council would appear to be more cost-effective. All proposals ensure that the judge against whom allegations are made would be afforded all requisite due process and that all judgements concerning removal or dismissal would rest with the General Assembly. **The Committee has no objection to the proposals put forward by the Secretary-General or by the Internal Justice Council.**

10. Proposals for a code of conduct for legal representation

53. In paragraph 46 of its resolution 66/237, the General Assembly requested the Secretary-General to submit a report providing his recommendations and analysis regarding a proposal of the Internal Justice Council on a code of conduct for legal representation. The analysis of the Secretary-General in this regard is outlined in annex VIII to his report (A/67/265 and Corr.1). Although the Secretary-General supports the view that a code of conduct is needed for external individuals who act as legal representatives in the administration of justice system, he notes that a legal regime already exists for legal representatives who are staff members, since they are governed by the provisions of the Charter, the Staff Regulations and Rules and administrative issuances. Among other concerns, the Secretary-General notes that the proposal of the Internal Justice Council could pose problems for legal representatives who are United Nations staff members, since the new code would establish another set of obligations parallel to those established under the Staff Regulations and Rules. The Secretary-General is of the view that it would be inappropriate for staff to be subject to two parallel and potentially contradictory regimes (ibid., annex VIII, para. 9). A number of other legal matters are debated in the Secretary-General's proposal, requiring, in the view of the Committee, further expert review. **The Committee concurs with the broad notion that a code of conduct governing external individuals who act as representatives in the administration of justice system is required.**

III. Activities of the Office of the United Nations Ombudsman and Mediation Services

54. The report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/67/172) covers the activities of that Office for 2011. The Office provides conflict resolution services to staff of the Secretariat, UNDP, the United Nations Population Fund, the United Nations Children's Fund, the United Nations Office for Project Services, the United Nations Entity for Gender Equality and the Empowerment of Women and the Office of the United Nations High Commissioner for Refugees. During the reporting period the Office focused on three main areas in the delivery of its mandate, namely: (a) addressing work-related concerns brought forward by individual staff or groups; (b) analysing the root causes of conflict to identify systemic issues for positive organizational change; and (c) raising awareness of the benefits of collaborative approaches in the workplace and building the capacity of staff to handle workplace conflict effectively and in a preventive manner (ibid., para. 14). The Office comprises 28 posts and has a combined biennial budget of approximately $10 million (see table 2 above).

55. In the reporting period, 2,267 cases were brought to the attention of the integrated Office, of which 1,588 came from United Nations Secretariat staff. The Advisory Committee notes the caseload trend outlined in figure I of the report of the Secretary-General (A/67/172), indicating a 76 per cent increase between 2009 and 2011. The utilization rate among United Nations Secretariat staff stands at about 3.2 per cent, which is broadly consistent with the experience of comparable offices in other organizations (ibid., para. 56). The Advisory Committee was informed, upon enquiry, that on average, a mutually satisfactory solution is found in 70 to

80 per cent of the cases received by the Office. This includes cases resolved through a mediation process when referred to the Mediation Service at an early stage. **The Committee remains of the view that the informal process plays an important role in the resolution of disputes and, by extension, in avoiding unnecessary recourse to litigation. The Committee welcomes the information provided on the number of cases handled by the Office of the United Nations Ombudsman and Mediation Services that were not subsequently the subject of litigation. The Committee considers this to be an important indicator of the effectiveness of the Office and reiterates its request that this information be provided in future reports on the activities of the Office.**

Incentives for informal dispute resolution

56. In paragraph 16 of its resolution 66/237, the General Assembly reaffirmed that the informal resolution of conflict is a crucial element of the system of administration of justice. It emphasized that all possible use should be made of this system in order to avoid unnecessary litigation. In this regard, paragraphs 75 to 84 of the report of the Secretary-General (A/67/172) provide a detailed update on incentives in place for using the system of informal dispute resolution. These have included a directive issued by the Under-Secretary-General for Management to department heads stressing the need for managers to cooperate with requests from the Office of the United Nations Ombudsman and Mediation Services, the participation of the Ombudsman in senior management meetings of the Management Performance Board, the promotion of conflict competence workshops and collaboration with the Management Evaluation Unit to assist in the timely resolution of issues. **The Advisory Committee welcomes the actions taken to date to encourage the informal resolution of disputes and encourages continued efforts in that regard.**

57. The Advisory Committee notes the intention of the Office to focus its outreach efforts on promoting substantive skills in the area of dispute prevention and resolution (ibid., para. 158), which would equip managers to deal more effectively with workplace conflict. The Committee was informed that this was part of the Office's effort to move from basic information-sharing to assisting management and staff in making behavioural changes. **The Committee welcomes the intention of the Office in this regard and looks forward to receiving an update on this new aspect of the Office's outreach efforts in its next annual report.**

Terms of reference for the integrated Office of the United Nations Ombudsman and Mediation Services

58. The General Assembly, in paragraph 19 of its resolution 66/237, requested the Secretary-General to work with the United Nations funds and programmes in order to finalize, as early as possible, revised terms of reference for the Office of the United Nations Ombudsman and Mediation Services that reflect the responsibility of the United Nations for the oversight of the entire Office and enhance the coordination among its different pillars. The Advisory Committee notes, in paragraph 9 of the report of the Secretary-General (ibid.) that the terms of reference have been undergoing final consultation and revision. The Committee also notes paragraph 165 of the broader report of the Secretary-General on the administration of justice (A/67/265 and Corr.1), which outlines aspects of the terms of reference that remain under review for promulgation by the Secretary-General. **In the light of**

the fact that the Assembly has been awaiting the revised terms of reference for the integrated Office of the United Nations Ombudsman and Mediation Services since its sixty-third session, the Committee stresses that they should be finalized by no later than the end of the main part of the sixty-seventh session.

Patterns with respect to cases related to staff with disabilities

59. The Advisory Committee wishes to draw attention to paragraph 12 of General Assembly resolution 66/229 on the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, in which the Secretary-General was requested to take further actions to promote the rights of persons with disabilities in the United Nations system in accordance with the Convention, including the retention and recruitment of persons with disabilities. In its discussions concerning the nature of cases coming before the Office of the United Nations Ombudsman and Mediation Services, the Committee was informed, upon request, that since 1 January 2010, the Office had received from Secretariat staff 11 cases relating to disability and accessibility issues, specifically concerning access to reasonable accommodation and assistive technology. **The Committee notes the caseload relating to staff with disabilities and requests the Secretary-General to take all necessary corrective action to ensure that the relevant provisions of the Convention on the Rights of Persons with Disabilities are observed in the workplace.**

Annex I

Description of the different actors in the system of administration of justice

1. Office of Administration of Justice

As set out in Secretary-General's bulletin ST/SGB/2010/3 of 7 April 2010, the Office of Administration of Justice is an independent office responsible for the overall coordination of the formal system of administration of justice. It provides support to the United Nations Dispute Tribunal and the United Nations Appeals Tribunal through their registries. The judges are independent and impartial, and they are supported by registries that are impartial.

2. Office of Staff Legal Assistance

The Office of Administration of Justice also assists staff members and their representatives in pursuing claims and appeals through the Office of Staff Legal Assistance, which is an independent office that provides legal assistance to and represents staff members in the internal justice system. Currently, more than 75,000 staff members worldwide have access to the Dispute and Appeals Tribunals.

3. Office of Legal Affairs

As set out in Secretary-General bulletin ST/SGB/2008/13 of 1 August 2008, the Office of Legal Affairs is the central legal service of the Organization. Its primary client base is the Secretary-General and the management of the Secretariat departments and offices, funds and programmes and other United Nations organs. The functions of the Office include:

(a) Reviewing and legally clearing administrative issuances, particularly those relating to human resources management policy prior to their promulgation;

(b) Providing legal advice, assistance and support concerning the interpretation of the Charter of the United Nations, the resolutions and decisions of the General Assembly, the Staff Regulations and Rules, the mandates of programmes and activities in which United Nations organs are engaged and other administrative issuances of the Organization;

(c) Legally clearing recommendations for the dismissal of staff members;

(d) Reviewing and analysing each and every judgement of the Dispute and the Appeals Tribunals;

(e) Coordinating for purposes of consistency the legal strategies and arguments advanced by the Secretary-General on issues of policy and principle throughout the administration of justice system;

(f) Determining whether appealing a given judgement of the Dispute Tribunal is in the interest of the Organization, and representing the Secretary-General before the Appeals Tribunal.

4. Administrative Law Section

The Administrative Law Section represents the Secretary-General in the majority of cases before the Dispute Tribunal. These cases concern applications filed by staff serving across the Secretariat. Organizationally, the Section is located in the Human Resources Policy Service of the Office of Human Resources Management. Its legal officers are posted in New York and Nairobi. The Section works closely with other offices within the Office of Human Resources Management, as challenges before the Dispute Tribunal focus on the interpretation and application of the Staff Rules.

The Administrative Law Section frequently advises managers in the Secretariat on the internal justice system. It also provides recommendations to the Under-Secretary-General for Management as to whether efforts towards informal resolution should be pursued. The Section obtains the necessary approvals, advising in the course of the negotiations with the applicant and/or counsel, working with the Office of the Ombudsman in certain cases, to finalize the settlement agreement and its implementation. Generally, approximately 10 to 15 per cent of the Section's disposed cases are resolved informally through settlements, with or without the assistance of the Office of the Ombudsman. When the Dispute Tribunal issues a judgement, the Section liaises with the Office of Legal Affairs, which determines whether to appeal the judgement to the Appeals Tribunal. The Section implements the final judgements, obtaining the information necessary and conveying the judgements to the relevant officials, including the Controller, for execution.

5. Management Evaluation Unit

The Management Evaluation Unit reviews management evaluation requests by staff members of the Secretariat, including the regional commissions and other entities, including the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. This comprises approximately 45,000 staff members.

The Management Evaluation Unit exercises its functions with complete neutrality and impartiality. It should be kept in mind, however, that the management evaluation process is the last opportunity for management to review its decisions, and that the Unit is part of the Department of Management. The Unit combines its recommendations in reviewing decisions with providing recommendations on the accountability of managers in cases where inadequate decisions were taken.

6. Office of the United Nations High Commissioner for Refugees

The client base of the Office of the United Nations High Commissioner for Refugees (UNHCR) Legal Affairs Service depends on the respective stage of the recourse process under the system of administration of justice. In the context of mediation, the Service is sometimes called upon by the UNHCR Ombudsman's Office and/or the Division of Human Resources Management to provide advice on legal issues that are relevant to the individual case. In the context of the management evaluation process, the Service provides legal advice to the Deputy High Commissioner, who has the authority to conduct management evaluations in UNHCR. In Dispute Tribunal proceedings, the Service represents counsel for respondent. In cases of appeal, the Service assists the Office of Legal Affairs in preparing submissions to the Appeals Tribunal. Accordingly, depending on the

respective stage of the recourse process, the client base of the Service includes the Division of Human Resources Management, the Ombudsman's Office, the Deputy High Commissioner (in the capacity of "management evaluator") and counsel for respondent in cases before the Dispute and Appeals Tribunals.

7. United Nations Development Programme (funds and programmes)

The Legal Support Office in the United Nations Development Programme (UNDP) is an integrated legal office for UNDP and its affiliated agencies, which provides legal advice to management in Headquarters units, regional centres and country offices on all aspects of administrative, corporate and institutional legal matters.

With regard to the system of administration of justice, the Legal Support Office performs the following functions: (a) represents UNDP and other affiliated agencies within the system of administration of justice by handling cases at the management evaluation stage and before the Dispute Tribunal; (b) supports the Office of Legal Affairs in its representation of the Secretary-General concerning UNDP cases before the Appeals Tribunal; (c) participates in the informal resolution of grievances as necessary, including mediation proceedings; (d) handles administrative and disciplinary cases and formulates recommendations to management, as appropriate; (e) advises on all legal aspects of human resources management relating to staff members, including, but not limited to, performance, rights and obligations, as well as conduct issues; (f) provides legal advice relating to policy work concerning the system of administration of justice; and (g) conducts legal training for staff members on issues relating to the system of administration of justice.

8. Office of the United Nations Ombudsman and Mediation Services

The Office of the United Nations Ombudsman and Mediation Services was established by the General Assembly as a neutral third party with a mandate to provide informal conflict resolution services to staff of the United Nations Secretariat (excluding non-staff personnel). As neutral and independent parties, the United Nations ombudsmen and mediators assist United Nations employees to address their work-related concerns and help to resolve conflict through informal means.

Annex II

Staff members involved in the administration of justice in 2012-2013

Entity/office	*Regular budget, 2012-2013*	*Support account for peacekeeping operations, 2012/13*	*Other*[a]	*Total staffing*
Office of the Administration of Justice	26	–	–	26
Office of the United Nations Ombudsman and Mediation Services	21	9	–	30
Office of Staff Legal Assistance	10	1	1	12
Management Evaluation Unit	6	–	–	6
Office of Human Resources Management	9	10	–	19
Office of Legal Affairs	6	3	1	10
Economic and Social Commission for Western Asia	–	–	–	–
Economic and Social Commission for Asia and the Pacific	1	–	–	1
Economic Commission for Africa	–	–	–	–
United Nations Office at Geneva	2	–	–	2
United Nations Office at Nairobi	2	–	–	2
Total	**83**	**23**	**2**	**108**

[a] Funds and programmes and the Office of the United Nations High Commissioner for Refugees.

Annex III

Organizational structure of the United Nations system of administration of justice

Office of Administration of Justice

RB:
1 D-2
1 D-1
4 P-5
6 P-4
1 P-3
5 GS (OL)
2 LL

GTA:
3 P-3
3 GS (OL)

Ombudsman and Mediation Services

RB:	SA:
1 ASG	3 P-5
2 D-1	2 P-3
7 P-5	2 LL
2 P-4	
1 P-3	
5 GS (OL)	
3 LL	

GTA:
1 P-4
1 GS (OL)

Office of Staff Legal Assistance

RB:	SA:
1 P-5	1 P-3
5 P-3	
1 P-2	
3 GS (OL)	

UNHCR:
1 P-3

Management Evaluation Unit

RB:
1 P-5
2 P-4
3 GS (OL)

Office of Human Resources Management Administrative Law Section

RB:	SA:
2 P-5	3 P-4
1 P-4	3 P-3
2 P-3	1 P-2
3 GS (OL)	1 GS (OL)

GTA:	GTA:
1 P-3	1 P-3
	1 P-2

Office of Legal Affairs

RB:	SA:
1 P-5	1 P-4
2 P-4	
2 P-3	
1 GS (OL)	

F&P[a]	GTA
1 P-4	1 P-4
	1 P-3

Other[b]

ECA
No resources
ESCWA
No resources
ESCAP
1 P-4
UNON
1 P-4
1 LL
UNOG
1 P-4
1 GS (OL)

Abbreviations: ASG, Assistant Secretary-General; ECA, Economic Commission for Africa; ESCAP, Economic and Social Commission for Asia and the Pacific; ESCWA, Economic and Social Commission for Western Asia; F&P, funds and programmes; GS (OL), General Service (Other level); GTA, general temporary assistance; LL, Local level; RB, regular budget; SA, support account; UNHCR, Office of the United Nations High Commissioner for Refugees; UNON, United Nations Office at Nairobi.

[a] Posts funded under the cost-sharing arrangements with the funds and programmes.

[b] All staff is serving as general temporary assistance and is funded by the regular budget. In locations where no dedicated resources are allocated to administration of justice matters (ECA and ESCWA), cases have been dealt with using resources reallocated from other areas whenever possible.

Annex IV

Breakdown of the 2012 caseload of the Office of Staff Legal Assistance as at 30 September 2012

Number of officers	*Number of cases*							*Average per officer for the nine-month period*
	Disciplinary matters	*Management evaluation*	*Before the Dispute Tribunal*	*Before the Appeals Tribunal*	*Other*	*Summary advice*	*Total*	
New York (3 officers)	38	9	29	6	5	58	145	48.3
Addis Ababa (1 officer)	16	13	19	9	8	19	84	84
Nairobi (2 officers)	46	78	63	14	19	41	261	130.5
Geneva (2 officers)	11	7	12	0	11	33	74	37
Beirut (1 officer)	15	14	24	10	7	22	92	92
Total (9 officers)	**126**	**121**	**147**	**39**	**50**	**173**	**656**	**72.9**